



U.S. Department of Justice

United States Attorney  
Southern District of New YorkUSDC SDNY  
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July 10, 2023

**BY ECF**The Honorable Valerie E. Caproni  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 240  
New York, NY 10007*Re: Bernal Gutierrez v. Genalo<sup>1</sup> et al.*, No. 20 Civ. 4046 (VEC)

Dear Judge Caproni:

This Office represents the respondents (the “Government”) in the above-referenced habeas matter brought by petitioner Juan Edgar Bernal Gutierrez (“Petitioner”). As directed by the Court, we write respectfully on behalf of the parties to provide a status update.

As previously reported to the Court, on June 8, 2023, an immigration judge at the Immigration Court in Cleveland, Ohio conducted a custody hearing for Petitioner at which the government bore the burden of showing the need for detention by clear and convincing evidence, and if that burden was met, the immigration judge was to consider whether there are alternatives to detention that would reasonably ensure the safety of the community and Petitioner’s return to court as well as Petitioner’s ability to pay a bond. The immigration judge — the same judge that presided over the April 19, 2023, custody hearing — found that the government had not met its burden and ordered Petitioner released on \$5,000 bond.

Petitioner has since posted bond and has been released from custody. DHS decided to forgo any appeal from the June 8 bond order, and the time for appeal has now passed. The parties agree that Petitioner’s emergency motion is now moot, and there is nothing further for this Court to adjudicate.

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<sup>1</sup> Kenneth Genalo, Alejandro Mayorkas, Merrick Garland, and Paul Arteta are automatically substituted in place of Thomas Decker, Chad Wolf, William Barr, and Carl E. DuBois pursuant to Fed. R. Civ. P. 25(d).

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We thank the Court for its consideration of this letter.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: s/ Anthony J. Sun  
ANTHONY J. SUN  
Assistant United States Attorney  
86 Chambers St., 3rd Floor  
New York, New York 10007  
(212) 637-2810

cc: (via ECF)  
All counsel of record

Because the parties agree that Petitioner no longer requires relief from the Court, Petitioner's motion to enforce the Court's judgment is hereby denied as moot. The Clerk of Court is respectfully directed to close the open motion at Docket Entry 43.

SO ORDERED.

 07/11/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE